

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Norfolk Division

IN RE:  
ROBERT E. SIMMONS  
AKA ROBERT EUGENE SIMMONS

Case No. 13-71517-SCS

Debtor

Chapter 13

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**OBJECTION TO CONFIRMATION OF DEBTOR'S PROPOSED CHAPTER 13 PLAN**

COMES NOW, Wells Fargo Bank, NA (the "Movant"), by and through counsel, Thomas Bradford Dail and BWW Law Group, LLC, and hereby files this Objection to Confirmation of Debtor's Proposed Chapter 13 Plan (the "Plan Objection"), and in support thereof, the Movant respectfully represents as follows:

1. The Movant is a mortgage lender.
2. On or about April 23, 2013, Robert E. Simmons aka Robert Eugene Simmons (the "Debtor") filed a voluntary petition in this Court under Chapter 13 of the United States Bankruptcy Code.
3. R. Clinton Stackhouse, Jr. is the trustee of the Debtor's bankruptcy estate.
4. Bernadette L. Simmons is Co-Debtor in this action.
5. At the time of the Bankruptcy Filing, the Debtor owned a parcel of real property known as 716 Yorkshire Trail, Chesapeake, VA 23322 (the "Property"). The Property is the Debtor's primary residence.
6. The Property is encumbered by a deed of trust dated April 15, 2009 (the "Deed of Trust"), securing payment of a promissory note in the original principal amount of \$378,026.00 to the Movant (the "Note").
7. On or about July 2, 2013, the Movant filed a proof of claim in this case, evidencing a secured claim based upon its lien of the Deed of Trust encumbering the Property (the "Proof of Claim"). The Proof of Claim indicates a total secured claim in the total amount of \$454,760.69 and pre-petition arrears owed by the Debtor to the Movant in the amount of \$100,457.00.
8. On or about June 7, 2013, the Debtor filed an Amended/Modified Chapter 13 Plan and Related Motions (the "Plan"), which Plan does not provide for payment of the full amount of the pre-petition arrearage owed to the Movant as set forth in the Proof of Claim.

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*Attorney for the Movant*

9. The hearing on confirmation of the Debtor's proposed Plan is scheduled to take place on July 25, 2013 at 10:00 am at Chief Judge St. John's Courtroom, 600 Granbry Street, 4<sup>th</sup> Floor, Courtroom 1, Norfolk, Virginia.

WHEREFORE, the Movant prays that this Court:

1. Enter an order DENYING confirmation of the Debtor's Plan;
2. Require that the Debtor file another amended/modified chapter 13 plan within an imposed period of time to properly reflect the correct arrearage amount owed to the Movant, in accordance with the Proof of Claim; and
3. Grant such other and further relief as the Court deems necessary.

Dated: July 17, 2013

Respectfully Submitted,  
BWW Law Group, LLC

/s/ Thomas Bradford Dail  
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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17th day of July, 2013, the following person(s) were or will be served with a copy of the foregoing Objection to Confirmation of Debtor's Proposed Chapter 13 Plan electronically via the CM/ECF system or by first class mail, postage prepaid:

Amber L. Quick, Esq.  
133 Mt. Pleasant Road  
Chesapeake, VA 23322

R. Clinton Stackhouse, Jr., Trustee  
7021 Harbour View Boulevard, Suite 101  
Suffolk, VA 23435

Robert E. Simmons aka Robert Eugene Simmons  
716 Yorkshire Trail  
Chesapeake, VA 23322

Bernadette L. Simmons  
716 Yorkshire Trail  
Chesapeake, VA 23322

/s/ Thomas Bradford Dail  
Thomas Bradford Dail

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